



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/538,485

03/17/2006

Yoshihiko Minachi

81864.0065

2276

26021 7590 08/24/2009  
HOGAN & HARTSON L.L.P.  
1999 AVENUE OF THE STARS  
SUITE 1400  
LOS ANGELES, CA 90067

EXAMINER

CHAU, LINDA N

ART UNIT

PAPER NUMBER

1794

NOTIFICATION DATE

DELIVERY MODE

08/24/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ctkeyner@hhlaw.com  
LAUSPTO@hhlaw.com  
lbrivero@hhlaw.com

Art Unit: 1794

Continuation of 3 and 11:

Applicant disagrees with the examiners that the present claim does not define the limitation of having the  $\text{Fe}^{2+}$  be reduced by Zn. However, when x is 0.10 and a is 1.5 in the present claims, the  $\text{Fe}^{2+}$  is *not* reduced by Zn.

Applicant also argues that Kijima doesn't teach the Zn content as presently claimed. As noted above, the present claim is not defined as  $\text{Fe}^{2+}$  being reduced by Zn. Therefore, Kijima is proper to use. Further, Kijima discloses that Zn is added to the compound such that zinc is 1.0-10mol% of  $\text{Fe}^{2+}$  (claim 1). Kijima doesn't explicitly disclose that Zn is in a form  $\text{Zn}_{(\text{ax})}$  described by the limitation. However, on the one hand, it would have been obvious to one of ordinary skill in the art at the time of the invention to have the range of zinc as described by the applicant based upon the mole percentages. In light of the amount of Zn disclosed by Kijima, it would have been obvious to one of ordinary skill in the art at the time of the invention to use amounts of Zn and  $\text{Fe}^{2+}$ , including those presently claimed, in order to produce stabilized W phase that does not deteriorate (pg. 7). On the other hand, given that Kijima discloses ferrite magnet powder with similar properties and functions, as presently claimed, it would appear that the composition of zinc would overlap the range claimed by the applicant. Regarding Kijima's examples of iron and zinc's compound quantity, it is noted that "applicant must look to the whole reference for what it teaches. Applicant cannot merely rely on the examples and argue that the reference did not teach others." In re Courtright, 377 F.2d 647, 153 USPQ 735,739 (CCPA 1967).

Applicant argues that Kijima fails to disclose a sintered magnetic and a magnetic recording medium. Kijima uses the magnetic powders in plastic magnets or bonded magnets and

Art Unit: 1794

teaches that it known in the art to incorporate the ferrite magnet powder in sintered magnets (pg. 3). However, Kijima further emphasizes that plastic magnets have various advantages over sintered magnets (pg. 3-4). Therefore, Kijima teaches that it can be used in sintered magnets but doesn't produce the desired magnetic characteristics. Kijima is not used to teach a magnetic recording medium. This is already taught by Taguchi.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Kijima is used to teach the composition as claimed and Toyota is used to teach the saturation magnetization of a ferrite powder. Further, application argues that Kijima discloses that a residual magnetic flux density  $B_r$  attains a maximum of 3.15 kG while applicant has a claim of 4.2 kG or more. Applicant argues that if Kijima taught Applicant's composition, then the measured properties would be expected to be the same. Kijima *only* showed a working example of the composition and not the overall result. It is deemed that Kijima teaches the same properties as presently claimed, as set forth above. **Further, the working examples show the results of a remnant flux density ( $B_r$ ) and not the saturation magnetization ( $M_s$ ) as presently claimed. These two magnetic properties are related, but different.**

Applicant argues that the composition of Toyoda cannot be construed to impart the same properties on a different composition of Kijima because it is unclear how one in the art can apply

Art Unit: 1794

the inherent properties of one composition to a different composition. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Although Toyoda doesn't specifically teach the same composition of Kijima, however, it is in the same field of endeavor, W-type ferrite magnet. Therefore Toyoda is proper to use with Kijima.

Applicant argues that Taguchi fails to disclose applicant's saturation magnetization of 5.0 kG, but does teach a squareness of 80% or more. However, Taguchi is not used to teach saturation magnetization. This is already taught by Toyota. Further, in Table 4 of Taguchi, when the saturation magnetization is increased, the squareness is also increase. Therefore, it is deemed that Toyota's magnetic particle would also have a squareness of more than 80%.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LINDA CHAU whose telephone number is (571)270-5835. The examiner can normally be reached on Monday-Thursday, 8:00-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Ruthkosky can be reached on (571) 272-1291. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1794

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Linda Chau  
/LC/